



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,916	02/04/2000	Antonino Torres	S1022/8385	8061
7590	04/22/2004			
James H Morris Wolf Greenfield & Sacks PC 600 Atlantic Avenue Boston, MA 02210			EXAMINER NADAV, ORI	
			ART UNIT 2811	PAPER NUMBER

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/497,916

Applicant(s)

TORRES ET AL.

Examiner

ori nadav

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 19 and 20.Claim(s) objected to: 12 and 17.Claim(s) rejected: 1-11, 13-16 and 18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

U. Nadav
ORI NADAV
patent examiner

Response to Arguments

Applicant argues that figure 5 depicts an emitter of the first bipolar transistor being directly connected to the isolation region ISO, as recited in claims 12 and 17.

Although figure 5 depicts an emitter of the first bipolar transistor being directly connected to the isolation region ISO, as recited in claims 12 and 17, figure 7, which is a device cross section of figure 5, does not depict an emitter of the first bipolar transistor being directly connected to the isolation region ISO. Thus, an artisan forming the device, would not know how to construct the claimed invention. Furthermore, since figure 7 is a device cross section of figure 5, and figure 5 depicts an emitter of the first bipolar transistor being directly connected to the isolation region ISO, it seems that figure 7 is not an accurate device cross section of figure 5.

Applicant argues that Aiello et al. do not teach a second bipolar with an emitter directly connected to the substrate and a base coupled to the isolation region for coupling the isolation region to the substrate through a high-impedance when the substrate potential is lower than the reference potential and the first bipolar transistor is off, because Aiello et al. do not teach a reference potential that meets every limitation of the reference potential recited in claim 1.

Aiello et al. teach in column 3, lines 59-68 that when the substrate potential is higher than zero, the first bipolar transistor T2 is off. Therefore, if the substrate potential is 1 volt, e.g. (or any voltage higher than zero), the reference potential can be set at 1.1 volts, e.g. (or any voltage fractionally higher than the substrate potential). This

Art Unit: 2811

reference potential meets the claimed limitation of a substrate potential being lower than the reference potential, and this substrate potential ensures that the first bipolar transistor is off, as taught by Aiello et al.

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(571) 272-1660**. The Examiner is in the Office generally between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**



O.N.
4/20/04

ORI NADAV
PATENT EXAMINER
TECHNOLOGY CENTER 2800